

Ser. No. 10/620,959

Attorney Docket No. P05717US01

**REMARKS*****A. Overview***

Claims 1-55 are pending in the present application. The Examiner has entered rejections to some of the claims but has found several of the claims allowable if rewritten in independent form if they include the limitations of each claim's base claim and any intervening claims.

The present response is an earnest attempt to place the application in form for allowance. Reconsideration is respectfully requested.

***B. Request for Clarification Regarding IDS***

Applicants gratefully acknowledge the indication that the Examiner has considered Applicants' Information Disclosure Statement submitted last spring. In the copy attached with the present Office Action, the Examiner has initialed the U.S. Patent Documents individually. However, no initials are seen individually next to the "Foreign Patent Documents". Confirmation that each of those references has been considered is respectfully requested to make the record clear.

***C. Allowable Claims***

The Office Action found claims 20, 22-27, 40, 51, and 55 allowable if rewritten in appropriate form. It is respectfully submitted this response does so.

Scr. No. 10/620,959

Attorney Docket No. P05717US01

**1. Allowable Claim 40 and Related Claims Also Submitted to be Allowable**

Independent claim 1 contains the limitations of allowable dependent claim 40. Its base claim is claim 1. There are no intervening claims. Claim 1 is therefore submitted to be allowable.

Claims 2-41 are dependent upon claim 40 and therefore submitted to be allowable as dependent upon an allowable claim. Minor grammatical or antecedent basis changes have been made to certain of these claims.

Independent claim 42 has been amended to add the limitation of claim 40. It is therefore submitted to be allowable for the reason claim 40 was found allowable.

Claims 43-53 are dependent upon claim 42 and therefore submitted to be allowable as dependent upon an allowable claim.

Independent claim 54 has been amended to add the limitation of claim 40. It is therefore submitted to be allowable for the reason claim 40 was found allowable.

Claim 55 is dependent upon claim 54 and therefore submitted to be allowable as dependent upon an allowable claim. Minor grammatical changes have also been made.

**2. Allowable Claim 20 and Related Claims Also Submitted to be Allowable**

New independent claim 56 contains the limitations of allowable dependent claim 20, its base claim 1, and intervening claims 19 and 13. Claim 56 is therefore submitted to be allowable.

New claims 57-72 are dependent upon claim 56 and therefore submitted to be allowable as dependent upon an allowable claim. New claims 57-72 correspond to original claims 1, 5, 7, 23-29, and 36-41 respectively.

Ser. No. 10/620,959

Attorney Docket No. P05717US01

**3. Allowable Claim 22 and Related Claims Also Submitted to be Allowable**

New independent claim 73 contains the limitations of allowable dependent claim 22, its base claim 1, and intervening claim 13. Claim 73 is therefore submitted to be allowable.

New claims 74-89 are dependent upon claim 73 and therefore submitted to be allowable as dependent upon an allowable claim. New claims 74-89 correspond to original claims 1, 5, 7, 23-29, and 36-41 respectively.

**D. Rejections Based on Prior Art****1. Section 102 Rejection**

Claims 1 and 28 have been rejected as anticipated under 35 U.S.C. Section 102 on the basis of U.S. Patent 1,521,285 to Erickson ("Erickson"). This rejection is respectfully traversed.

Erickson describes a metal shield (copper or aluminum) that is placed around a section of a wood telephone pole so that part of it extends above the ground and part below the ground. The stated reasons are to prevent moisture from entering the pole to corrode it but also to assist in structural support and impact resistance and fire resistance. In the case of Erickson, it includes elongated brace bars 15 of iron or other material to help structurally support the pole at the ground level.

**2. Section 103 Rejection**

Several grounds for rejection of certain claims for obviousness are stated in the Office Action, namely:

Ser. No. 10/620,959

Attorney Docket No. P05717US01

- Claims 1-4, 13-15, 17-19, 21, 31-39, 41, 42-46, 48, 49, 52, and 53 are rejected under 35 U.S.C. Section 103 on the basis of U.S. Patent 5,869,159 to Padilla ("Padilla") in view of Hawley's Condensed Chemical Dictionary ("Hawley").
- Claims 5-12, and 47 are rejected under 35 U.S.C. Section 103 on the basis of Padilla in view of Hawley, and further in view of U.S. Patent 3,270,480 to Beecker ("Beecker").
- Claims 16 and 50 are rejected under 35 U.S.C. Section 103 on the basis of Padilla in view of Hawley, and further in view of U.S. Patent 5,534,590 to Horie ("Horie").
- Claims 29, 30, and 54 are rejected under 35 U.S.C. Section 103 on the basis of Erickson.

These rejections are respectfully traversed and will be discussed together below.

None of the cited references disclose or teach the Applicants' invention. It is a thin, non-corrosive cover that, alone, is placed around the pole. It has no structural or load bearing functions. It can extend for substantial parts of the pole (or even the whole pole). It has no cushioning functions or multiple layers.

For example, Erickson describes a metal shield (copper or aluminum) that is placed around a section of a wood telephone pole so that part of it extends above the ground and part below the ground. The stated reasons are to prevent moisture from entering the pole to corrode it but also to assist in structural support and impact resistance and fire resistance. In the case of Erickson, it includes elongate brace bars 15 of iron or other material to help structurally support the pole at the ground level. The Applicants' invention relates to tall poles. It would be economically impractical to wrap the entire pole with copper or aluminum like taught by

Ser. No. 10/620,959

Attorney Docket No. P05717US01

Erickson. And, adding iron or other structural bars up the pole, like Erickson, would add significant weight and would create a source of corrosion.

Padilla describes a four layer cushion that can be placed around structural poles in the interior of buildings. Padilla specifically requires two cushioning layers and two outer layers. Adhesive tape or materials are used to hold the material in place. Applicants' invention does not need to have multiple cushioning layers like Padilla. Using adhesive tapes like Padilla to secure Applicant's cover would not be robust enough to survive high winds, rain and temperature changes on external light poles.

In neither case do these references disclose or teach the Applicants' claimed invention. Likewise, Beecker, Hawley, or Horie do not teach or disclose the Applicants' claimed invention. However, to advance prosecution of the application regarding to certain aspects of the Applicants' invention, this response submits the claims in what is believed to be allowable form. It is respectfully submitted these rejections are moot in light of this response. This response is made to place the allowable claims, having had no rejection based on prior art, and is without prejudice to pursue broader claims in a related application.

#### *E. Conclusion*

It is respectfully submitted all matters raised in the Office Action have been addressed and that this response places the application in form for allowance. Favorable action is respectfully requested.

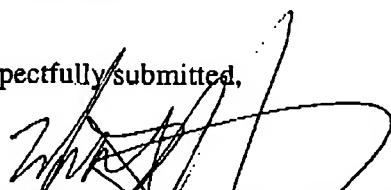
Please consider this a request for a three-month extension of time and charge Deposit Account No. 26-0084 the amount of \$3,120 for: \$1,020 for this extension and \$2,100 for

Ser. No. 10/620,959

Attorney Docket No. P05717US01

additional claims fees (2 new independent claim times \$200=\$400; and 34 new total claims times \$50 each=\$1,700). No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,

  
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